

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD HOWARD WATKINS,

Petitioner,

v.

PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent.

No. 2: 23-cv-2060 KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 2019 murder conviction. Petitioner is proceeding with another habeas corpus petition in this court challenging his 2019 murder conviction, case 2:22-cv-1158 WBS CKD P.

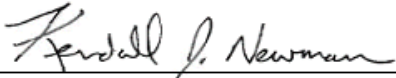
If a new petition is filed when a previous habeas petition is still pending before the district court without a decision having been rendered, then the new petition should be construed as a motion to amend the pending petition. Woods v. Carey, 525 F.3d 886, 887-90 (9th Cir. 2008).

Accordingly, IT IS HEREBY ORDERED that:

1. The petition filed in the instant action is construed as a proposed amended petition in case 2:22-cv-1158 WBS CKD P; and

2. The Clerk of the Court shall file the petition filed in the instant action in case 2:22-cv-1158 WBS CKD P as a proposed amended petition and close the instant action.

Dated: September 29, 2023

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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